

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

CORY M. SPRINGS,	:	Case No. 3:23-CV-352
	:	
Petitioner,	:	
	:	
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Peter B. Silvain, Jr.
	:	
WARDEN, CHILLICOTHE	:	
CORRECTIONAL INSTITUTION,	:	
	:	
Respondent.	:	

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DEFICIENCY ORDER

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Petitioner, an inmate at the Chillicothe Correctional Institution, has filed a motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) in connection with a petition for a writ of habeas corpus challenging his Clark County, Ohio, convictions. (Doc. 1). The total filing fee due in this habeas corpus action is \$5.00. Because petitioner's application reveals that he has sufficient funds available to pay the full \$5.00 filing fee (*see* Doc. 1, PageID 8), the Court issued a Report and Recommendation on November 29, 2023, recommending that petitioner's application for leave to proceed *in forma pauperis* (Doc. 1) be denied and that petitioner be ordered to pay the full filing fee of \$5.00 within thirty (30) days of any Order adopting the Report and Recommendation. (Doc. 2, at PageID 61).

Petitioner has filed an Objection to the Report and Recommendation. (Doc. 3). Petitioner's Objection, however, does not challenge the recommendation to deny his application for leave to proceed *in forma pauperis* based on his having sufficient funds. (*See id.*). Furthermore, to the extent that petitioner asserts that he filed a "Personal A/C Withdrawal Check Out-Slip" with the

prison cashier (*see* Doc. 3, at PageID 65), petitioner is advised that the Court has no record of receiving payment of the fee.

Accordingly, consistent with the pending November 29, 2023 Report and Recommendation (Doc. 2), petitioner is **DIRECTED** to pay the full filing fee of \$5.00 within **thirty (30) days** of any Order adopting the Report and Recommendation should he wish to proceed with this action. The **Clerk of Court** is **DIRECTED** to send a copy of this Deficiency Order to petitioner and to the cashier of the prison at which petitioner is confined.

**IT IS SO ORDERED.**

December 7, 2023

*s/Peter B. Silvain, Jr.*

PETER B. SILVAIN, JR.

United States Magistrate Judge